UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,928	11/20/2001	Konstantin I. Boudnik	SUNMP030	1929

			EXAMINER
25920	7590	02/10/2005	CHUNG, JI YONG DAVID

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/989,928	BOUDNIK ET AL.
Office Action Summary	Examiner	Art Unit	
	Ji-Yong D. Chung	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/13/2002*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

2.   **Claims 8 and 16** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

With regard to both **claims 8 and 16**, both refer to *the initialization parameters of the*

agent launcher interface can be passed to the call interface via the initialization parameters of

the call interface. Initialization parameters are the initial values. It does not make any sense to

say that the parameters can be passed via the initialization parameters of the call interface.

Claim 8 will not be further considered for the examination on the merits.

With regard to **claim 16**, the portion of its limitation that refers to *the initialization*

parameters of the agent launcher interface can be passed to the call interface via the

initialization parameters of the call interface will not be considered further for the examination

on the merits, for the reasons given above.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-4 and 9-13** are rejected under 35 U.S.C. 102(e) as being anticipated by

Wollrath et al (Wollrath hereafter).

With regard to **claim 1**, Wollrath discloses method for launching remote applications in a

distributed test framework, comprising the operation of:

launching a first application program having a call interface using a first agent process

having an agent launcher interface, wherein the call interface provides a reference to the first

agent process [See step 701, Fig. 7. In RMI environment shown in Fig. 6, a class method (which

would use the "first agent process" or method) must call a process that implements RMI

interface; Java language requires the protocol. Any invocation of the RMI is performed by, first,

referencing the proper class object cast into the interface type and then invoking one of the

methods of the interface. Note that starting any program constitutes "launching."];

sending a launch request from the first application to the agent launcher interface using

the reference to the first agent process, wherein the launch request specifies a second

application to be launched, and wherein the launch request defines attributes of a processing

resource [See step 703, Fig. 7. In Fig. 6, any class method that invokes RMI would cause the

remote class object to load and launch the second application. The RMI call must contain

attributes of a processing resource, because proper sequence of calls that locate the second

application must be given service the "location" attributes of the processing resource. In other

words, RMI service provides the mechanism of remote calls over the network, provided it has

information on destination of the call]; and

> *launching the second application on a processing resource having the attributes defined*

in the launch request [See step 707 in Fig. 7. Properly working RMI call would cause the remote

method of loaded class to be executed ("launched")].

With regard to **claim 2**, Wollrath discloses the second "agent" *executing on the*

processing resource. Any Java program that has been started via RMI executes on the remote

environment. See step 707, Fig. 7. The server is the processing resource.

With regard to **claim 3**, Wollrath shows *the second agent process that is registered with a*

look up service, the registering being configured to advertise the attributes of the processing

resource. See step 705, Fig. 7. RMI is an implementation of Java naming service. The second

agent process (the remote object) must be registered, in order for its methods to be invoked.

With regard to **claim 4**, generic proxy in Fig. 7 of Wollrath meets the limitation of the

claim 4: "*the operation of providing a system controller in communication with the first agent*

process and the second agent process." Generic proxy in Fig. 7 is in communication with the

first agent and the second agent.

Claims 9-13 incorporates all the limitations of claims 1-4, but in apparatus form rather

than in method form. The reasons for the rejections of claims 1-4 apply to claims 9-13.

Therefore, claim 9-13 are rejected for substantially the same reasons.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   **Claims 5 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wollrath. It would have been obvious to one skilled in the art at the time of the invention to

modify steps disclosed Wollrath for the reasons provided below.

With regard to **claim 5**, Wollrath shows *the system controller that is configured to search*

the look up service to locate a processing resource having attributes substantially matching the

attributes defined in the launch request. See Fig. 5 for the lookup service.

The motivation for combining the use of lookup service with the steps Fig. 7 is as same

as the sole purpose for the existence of the lookup service in Java environment: to locate a

particular service. It is obvious to use the lookup service to locate a service, because that is what

lookup services are for, whether the calling program is "controller" or "first agent."

Claim 14 incorporates all the corresponding limitations of claim 5, but in apparatus form

rather than in method form. The reasons for the rejection of claim 5 apply to claim 14.

Therefore, claim 14 is rejected for the same reasons.

7.   **Claims 6-7, 15-16, and 17-20** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wollrath in view of Jaworski. It would have been obvious to one skilled in the art at the

time of the invention to combine the features disclosed in Wollrath with those in Jaworski for the

reasons provided below.

With regard to **claim 6,** Wollrath does not show the *initialization parameters that provide*

initial values for an application, in the context of the call interface. Jaworski shows an example

of initialization parameters in an example Java program: see the constructor for class Hand on

page 63.

The motivation for using initialization parameters in Java object construction and method

calls is that initialization method is a language construct; they are built into Java language itself

to be used for setting the parameter values at the start of programs and during the construction of

objects. An analogy may help: one uses a steering wheel of an automobile to steer the car; the

steering wheel is built into an automobile for the purpose of guiding the automobile.

Incorporating the step of using the steering wheel into the process of controlling the automobile

cannot render the control process any less obvious.

With regard to **claim 7**, even though it differs from claim 6 because claim 7 refers to "laucher" instead of "call interface" as in claim 6, the reason for the rejection of claim 6 based on "initialization" still apply to claim 7. Claim 7 is rejected for substantially the same reason as claim 6.

Claims 15-16 contain all the limitations of claims 6-7, but in apparatus form rather than in method form. The reasons for the rejections of claims 6-7 apply to claims 15-16. Therefore, claims 15-16 are rejected for the same reasons.

Claims 17-18 include software versions of the limitations discussed above in reference to claims 1-7. The reasons for the rejections of claims 1-7 apply to claims 17 and 18. Note that claim 17 cites "attributes of a processing resource are passed to the agent launcher process." However, the limitation is merely a parameter passing mechanism in Java programming language; it is built into the language. Claims 17-18 are rejected for the same reasons as claims 1-7.

With regard to **claim 19**, it speaks of "*the processing service is selected from a list of processing resources advertised on a lookup service.*" However, the limitation merely describes the function of location resolution in any Java lookup service. That is, when one uses a lookup service in any Java environment, the lookup service selects the requested service that resides on a particular device (selected from a list of multiple devices).

Claim 20 cites a limitation that is a software version of the limitation cited in claim 2.

The reasons for the rejection of claim 19, therefore, apply to claim 20.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ji-Yong D. Chung whose telephone number is (571) 272-7988.

The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ji-Yong D. Chung
Patent Examiner
Art Unit: 2143

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100